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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN

2003 JAN -6 P 2: 16

JIM IRVIN
COMMISSIONER

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

MARC SPITZER
COMMISSIONER

JAN 06 2003

IN THE MATTER OF THE

DOCKET NO. S-03364A-02-0000

DOCKETED BY	<i>CK</i>
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CARL DELANO WOODARD
aka: CARL WOODWARD
3065 West Ironwood Circle
Chandler, AZ 85226

AMENDED SIXTH
PROCEDURAL ORDER

BY THE COMMISSION:

On June 20, 2002, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Carl Delano Woodard, aka Carl Woodward ("Respondent"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of certificates of participation in a profit-sharing arrangement and/or investment contracts.

The Respondent was duly served with a copy of the Notice.

On July 20, 2002, a request for hearing was filed for Respondent.

On July 16, 2002, by Procedural Order, a pre-hearing conference was scheduled on August 6, 2002.

On July 24, 2002, Respondent's counsel filed a Request for Continuance ("Request") indicating a possible scheduling conflict due to trial scheduled for the preceding week. The Division did not object to the Request.

On July 31, 2002, by Procedural Order, the proceeding was continued to August 8, 2002.

On August 8, 2002, at the pre-hearing conference, the Division and the Respondent appeared with counsel. The Division requested a continuance to allow for the replacement of counsel who was retiring from the Commission. Respondent did not object to this request and the parties agreed upon a new date and time for a pre-hearing conference.

On August 8, 2002, by Procedural Order, the pre-hearing conference was continued.

On September 3, 2002, a pre-hearing conference was held with the Division and the

1 Respondent present with counsel. The parties agreed to attempt to resolve the issues raised in the
2 Notice by entering into a Consent Order for the Commission's approval. In the event that the parties
3 do not reach a resolution or the Commission does not approve a proposed Consent Order, the parties
4 agreed to a hearing being scheduled to commence on December 3, 2002.

5 On September 4, 2002, by Procedural Order, the proceeding was scheduled for a hearing on
6 December 3, 2002.

7 On November 12, 2002, Respondent filed a Motion to Postpone Hearing ("Motion")
8 requesting at least a 30-day continuance. Respondent indicated that the Division was in agreement
9 and further stated that the parties were continuing to negotiate the terms of a Consent Order to be
10 approved by the Commission.

11 On November 14, 2002, by Procedural Order, this proceeding was continued to January 21,
12 2003. However, it became necessary to delay the start of the hearing to **January 22, 2003**.

13 On December 16, 2002, Quarles & Brady Streich Lang, LLP, counsel for Mr. Woodard, filed
14 a document captioned "Notice of Withdrawal As Counsel of Record with Consent" ("Notice of
15 Withdrawal"), indicating that it was withdrawing as his counsel because Mr. Woodard had filed
16 Chapter 7 bankruptcy and would represent himself in the future to avoid the expense of private
17 counsel. The address and phone number for Mr. Woodard was provided along with an affidavit from
18 Mr. Woodard consenting to his counsel's withdrawal.

19 The Notice of Withdrawal filed by Quarles & Brady Streich Lang, LLP failed to meet the
20 requirements for written application to withdraw pursuant to Commission Rule A.A.C. R14-3-104(E)
21 and Rule 5.1(a)(2)(B) and (C) of the Arizona Rules of Civil Procedure ("Rules") because it was not
22 indicated that Mr. Woodard had been notified in writing of the status of the case, the hearing dates
23 and times and the necessity to be prepared for the hearing. In this case, Mr. Woodard should have
24 been further notified of the change in the initial date of hearing.

25 On December 19, 2002, by Procedural Order, the commencement of the proceeding was
26 delayed and Quarles & Brady Streich Lang, LLP was ordered to file a written application which
27 meets the requirements of A.A.C. R14-3-104(E), Rule 5.1 of the Rules and consistent with ER 1.16
28 of Rule 42 of the Arizona Rules of Professional Conduct for withdrawal to be permitted.

1 On January 6, 2003, it was noted that this proceeding conflicted with the starting time of
2 another proceeding involving the presiding Administrative Law Judge.

3 Accordingly, the starting time should be amended by one hour on January 22, 2003.

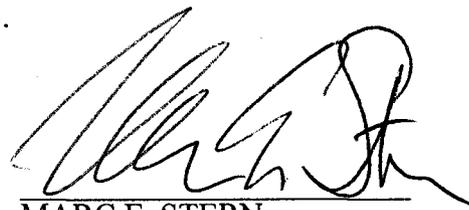
4 IT IS THEREFORE ORDERED that the hearing scheduled on January 21, 2003 shall be
5 continued to January 22, 2003, at 10:30 a.m., at the Commission's offices, 1200 West Washington
6 Street, Phoenix, Arizona.

7 IT IS FURTHER ORDERED that the parties shall also set aside January 23 and 24, 2003 for
8 additional days of hearing, if necessary.

9 IT IS FURTHER ORDERED that the parties shall exchange Witness Lists and Exhibits not
10 later than January 7, 2003, with a copy of same being provided to the presiding Administrative Law
11 Judge.

12 IT IS FURTHER ORDERED that Quarles & Brady, Streich, Lang, LLP shall make written
13 application to withdraw in a form which meets the requirements of A.A.C. R14-3-104(E), Rule 5.1 of
14 the Arizona Rules of Civil Procedure and consistent with ER 1.16 of Rule 42 of the Arizona Rules of
15 Professional Conduct.

16 DATED this 6TH day of January, 2003.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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21 Copies of the foregoing mailed/delivered
this 6th day of January, 2003 to:

22 Booker T. Evans, Jr.
23 Brian R. Booker
24 QUARLES & BRADY STREICH LANG, LLP
25 Two North Central
Phoenix, AZ 85004-2391
Attorneys for Respondent

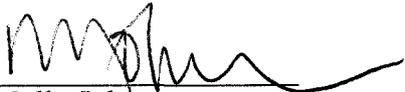
26 Carl Delano Woodard
27 3065 West Ironwood Circle
Chandler, AZ 85226
28 Respondent

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2 Assistant Attorney General
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5 Phoenix, AZ 85007

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9 1300 West Washington Street
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By: 
Molly Johnson
Secretary to Marc E. Stern